



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

|  |             |                      |                     |                  |
|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/822,358   | 04/12/2004  | Ali Shajii           | 56231-457 (MKS-143) | 3068             |
| 7590   | 10/29/2009  |                      | EXAMINER            |                  |
| Toby H. Kusmer<br>McDERMOTT, WILL & EMERY<br>28 State Street<br>Boston, MA 02109 |             | ZERVIGON, RUDY       |                     |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 1792                 |                     |                  |
|  |             | MAIL DATE            | DELIVERY MODE       |                  |
|  |             | 10/20/2009           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                               |                                      |                                      |
|-------------------------------|--------------------------------------|--------------------------------------|
| <b>Notice of Allowability</b> | <b>Application No.</b><br>10/822,358 | <b>Applicant(s)</b><br>SHAJII ET AL. |
|                               | <b>Examiner</b><br>Rudy Zervigon     | <b>Art Unit</b><br>1792              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the July 22, 2009 RCE.

2.  The allowed claim(s) is/are 1,3-12,21,22 and 24-30.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application

2.  Notice of Draftperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date 20090918.

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/26/2009, 6/4/2009, 3/24/2008

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

/Rudy Zervigon/  
Primary Examiner, Art Unit 1792